

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated December 18, 2006 has been received and its contents carefully reviewed.

Claims 1, 4, 7 and 10 are hereby amended; no claims are hereby canceled; and no claims are hereby added. Claims 11 and 12 have been withdrawn per Applicant's provisional election of Group I, claims 1-10 readable thereon, in Response to Restriction Requirement of September 19, 2006. Accordingly, claims 1 through 10 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §112(2) as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention (Office Action at page 2). The Examiner states that "the word 'means' is preceded by the word(s) 'memory' in an attempt to use a 'means' clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding 'means', it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph." Applicant respectfully traverses this rejection at least for the reasons that follow.

MPEP §2173.02 instructs, in part, "[t]he essential inquiry pertaining to this requirement (35 U.S.C. §112(2)) is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." Thus, the query is whether one of ordinary skill in the art of washing machine control methods would find that the claims set out and circumscribe the claimed subject matter with a reasonable degree of clarity and particularity.

Applicant respectfully submits that claims 1-10 set out and circumscribe the claimed subject matter with a reasonable degree of clarity and particularity because one of ordinary skill

in the art of washing machine control methods clearly understands what is claimed by the word, "memory." Applicant has amended claim 1 to further clarify the claimed subject matter, thus the Examiner's rejection of claims 1-10 as allegedly indefinite is now moot. However, Applicant submits that one of ordinary skill in the art would have been able to clearly understand the metes and bounds of the claimed subject matter without said amendments.

In rejecting claims 1-10 as allegedly indefinite, the Examiner further states, "[i]n addition, claim 1 recites the limitation 'the displayed parameters' in the last line. There is insufficient antecedent basis for this limitation in the claim because it is unclear to which displayed parameters applicant is referring (i.e. the customized parameters or the default parameters)(Office Action at page 3)."

MPEP 2173.05(e) states in part, "[o]bviously, however, the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite. *Energizer Holdings Inc. v. Int'l Trade Comm'n*, 435 F.3d 1366, 77 USPQ2d 1625 (Fed. Cir. 2006)(holding that "anode gel" provided by implication the antecedent basis for "zinc anode"); *Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992) ("controlled stream of fluid" provided reasonable antecedent basis for "the controlled fluid")." Accordingly, the query is whether the scope of the claims would be reasonably ascertainable to one of ordinary skill in the art of washing machine control methods. Applicant respectfully traverses this rejection at least for the reasons that follow.

Applicant respectfully submits that the claimed subject matter, "displayed parameters," is reasonably ascertainable to those of ordinary skill in the art. Interpreting claim 1 in light of the other claims, for example, and in particular, claims 2 and 3, it is clear that "displayed parameters" can refer to the default parameters or the customized parameters depending upon the course selected in said selecting step. Accordingly, the rejection of claims 1-10 for an alleged lack of antecedent basis is traversed.

In the office Action, claims 1-9 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,647,231 (to Payne et al.)(hereinafter "Payne"). Applicant respectfully traverses said rejection.

MPEP §2131 instructs, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicant respectfully submits that Payne fails to teach or suggest each and every element as set forth in claims 1-9 and thus cannot possibly render the claims anticipated at least for the reasons that follow.

Claims 1-9 are allowable over Payne in that each of these claims recite a combination of elements including, for example, “clearing the displayed default parameters and displaying, in response to a first selection of the memory function, the customized parameters corresponding to the course selected in said first selecting step; and performing, upon an input of the course start, the selected course according to displayed parameters.” Payne does not teach or suggest at least these features of the claimed invention.

Instead of pointing out how Payne specifically anticipates *each and every element* of the claims, the Examiner merely alleges what Payne generally teaches. The Examiner cites to Payne column 9, lines 5-6. However, the passage cited by the Examiner is not even relevant to the Payne invention. Furthermore, the passage of Payne cited to by the Examiner does not teach or suggest any of the claim limitations of at least claim 1. The Payne passage cited to by the Examiner has nothing at all to do with the instant claimed invention. The Examiner also cites to Payne column 1, lines 44-54. However, the passage cited by the Examiner talks about what would be desirable in washing machines in reference to the prior art. However, nothing in at least this passage anticipates any of the claimed elements of the claims.

Furthermore, in Payne, the figure to which the Examiner refers (Figure 1) is directed to an electronic control system that is *remotely / externally* programmed which is opposite from that of the claimed invention where the programming is done *internally* to the machine itself by the ultimate user of the machine. In addition, in Payne, a third party (for example, the person who services the machine) controls the machine as opposed to an end user (for example, the person actually operates the machine for purposes of washing laundry). Accordingly, what is taught in Payne is entirely different from that which is claimed. Thus, Payne cannot possibly anticipate at least claims 1-9.

In the Office Action, claim 10 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Payne in view of U.S. Patent Application Publication 2002/0163440 A1 (to Tsui)(hereinafter “Tsui”). Applicant traverses this rejection at least for the reasons that follow.

MPEP §2143.03 states, “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” Applicant respectfully traverses this rejection at least for the reasons that follow.

Claim 10 depends from claim 1. Therefore, claim 10 is patentable over Payne for at least each of the reasons set forth above. Recognizing the deficiencies of Payne, the Examiner cites Tsui for reasons unrelated to any of the features set forth in claim 1. In fact, Tsui, does not cure the deficiencies of Payne with respect to claim 1 and, therefore, claim 10 is patentable over the combined teaching of Payne and Tsui.

Dependent claim 10 further defines the claimed method by defining the second predetermined time as “greater than approximately three seconds.”

In rejecting claim 10, the Examiner states, “[f]urther, regarding the press hold time of ‘greater than three seconds’, it is to be expected that a change in range would be an unpatentable modification (Office Action at page 6).” For a range to be considered obvious and unpatentable, however, there has to be *some* range disclosed in the prior art with which to compare to the claimed range. However, Applicant respectfully notes that the Examiner has not shown that Tsui discloses any range at all. The Examiner has merely alleged what Tsui supposedly teaches but has not shown that Tsui discloses any range, and more specifically a range “greater than approximately three seconds.” At least for this additional reason, claim 10 is patentably distinguishable over the combined teachings of Payne and Tsui.

Accordingly, Applicant respectfully submits that claims 1-10 are all allowable over the cited prior art. Further, the prior art made of record and not relied upon by the Examiner is offered to demonstrate the state-of-the-art and no comments are made herein. Applicant therefore

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requests that the Examiner withdraw the Examiner's rejections under 35 U.S.C. §112(2), 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

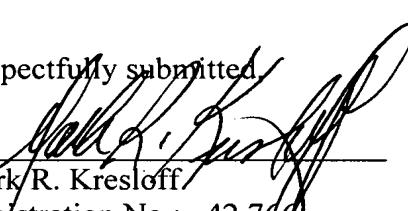
The application is in immediate condition for allowance. Early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: April 19, 2007

Respectfully submitted,

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